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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/598,708

11/13/2006

Geir Stang Hauge

RR-633 PCT/US

9178

20427

7590

10/16/2008

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EXAMINER

MATTHEWS, TERRELL HOWARD

ART UNIT

PAPER NUMBER

3653

MAIL DATE

DELIVERY MODE

10/16/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/598,708	<b>Applicant(s)</b> STANG HAUGE ET AL.	
	<b>Examiner</b> Terrell H. Matthews	<b>Art Unit</b> 3653	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 08 July 2008.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>11/06/2006</u> .  | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

Applicant's arguments see pg. 10-17, filed 7/08/2008 with respect to the rejection(s) of claim(s) 1-20 under 35 U.S.C. 103(a) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Lassiter in view of Gochar (US-6384421) and in further view of Traylor (US-2226750).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lassiter in view of Gochar (US-6384421) and in further view of Traylor (US-2226750).

Referring to claims 1-9, 11-18. Lassiter discloses a "Bucket Distribution System". See Figs. 1-35 and respective portions of the specification. Lassiter further discloses a device for individually transporting articles of different type, size, weight, material, or shape to one delivery location of a plurality of delivery locations (52a-d) that is designated for the respective article, a plurality of transport containers (44) being arranged to move in a spaced apart relation along a transport path as an endless, moving row of containers, characterized in: an article recognition means (51) for

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identifying articles prior to location at which the articles are to be placed one by one in a respective transport container to yield only one article per container. Additionally, Lassiter discloses a television camera (51) which is located to inspect the articles one by one to establish that just one article is placed or is present in a respective dedicated transport container and wherein the article is not a strange article. (See at least Col. 5 I. 5 - 40). Lassiter further discloses a container actuating means (148) mounted at each of said plurality of delivery locations, a respective one of said actuating means in one state capable of entering into activated position related to a designated delivery location for an identified article, to cooperate with a respective transport container so as to cause removal of the identified article from the container at its designated delivery location, said actuating means in a second state controllable to be in an inactive position to selectively allow a container to pass the delivery location related to said respective actuating means when a container contains an article not designated for delivery there at (See at least Col. 8 I. 14 - Col. 9 I. 30). Lassiter further discloses wherein the transport containers (44) at a delivery location designated for an article is arranged to cooperate with means at the delivery location for emptying the transport container in the course of rotating the container through a 360 degree about an axis of rotation thereof so as to discharge the article under the effect of gravity (See at least Col. 8 I. 15 - 56). Moreover, Lassiter discloses that transport containers (44) have guide pins (86,88) on both sides of the container which form anti-rotation supports in at least parts of the horizontal positions of the transport path and wherein the guide pins are arranged in cooperation with said actuating means and further designed to cooperate with a toothed

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engaging element location stationary at the delivery location to effect controlled location of the transport container (See at least Col. 9.65 - Col. 10 I. 43). Lassiter does not disclose wherein the article recognition means identify each article as regards to its type of material or wherein the articles are inspected one by one from a location above or wherein the containers are able to invert in the course of rotating the container through an angle of 360 degrees above an axis of location of a plurality of delivery locations. Gochar discloses a "Vision System for Industrial Parts". See Figs. 1-2 and respective portions of the specification. Gochar further discloses a vision system (10) including a feed conveyor (22) wherein containers (12) are visually inspected one by one on the feed conveyor from above with a television camera (46) (See at least Fig. 1). Traylor discloses a "Classifier". See Figs. 1-7 and respective portions of the specification. Traylor further discloses containers for that are capable of being inverted in the course of rotating through an angle of 360 degrees about an axis of rotation so as to discharge articles from the container under the effect of gravity (See at least Figs. 2-3). It would have been obvious to a person of ordinary skill in the art at the time of the invention to modify the apparatus of Lassiter wherein the article recognition means were capable of identifying the type of material of each article so that article could be further separated based solely on their type of material composition. It should be noted that it is generally known in the field of the art to provide article recognition means in sorting apparatuses to distinguish between articles material composition. Moreover, it would have been obvious to a person of ordinary skill in the art at the time of the invention to modify the combination of Lassiter to include the teachings of Gochar wherein containers were

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individually inspected one by one with television camera means and Traylor wherein containers could rotate 360 degrees about an axis of rotation so as to discharge articles from the container under the effect of gravity, to make the inspection and separation of articles during operation much more efficient, wherein one by one articles could be examiner for greater efficiently and thus more efficient and effective sorting of articles. With respect to claims 1-10, the method described in these claims would inherently result from the use of Lassiter's "Bucket Distribution System" as advanced above and further described below.

Referring to claim 10, 19. Lassiter discloses the apparatus as described above in detail. Lassiter does not explicitly disclose wherein the transport containers (44) receiving articles in the form of empty packaging units elected from the group of cans of metal or plastic and bottles of plastic or glass. It would have been obvious to a person of ordinary skill in the art at the time of the invention to modify the apparatus of Lassiter so that cans of metal or plastic or bottles of plastic or glass were the received articles transported in transport containers so that glass and plastic containers could be separated from one another in an efficient manner for an easy way to separate recyclable materials. It should further be noted that it has been held that a recitation with respect to the manner in which a claimed apparatus is intended to be employed does not differentiate the claimed apparatus from a prior art apparatus satisfying the claimed structural limitations.

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Referring to claim 20. Lassiter further discloses wherein a pair of chains or lines (76-79) are provided to drive the containers (44) through the transport path, said pair of chains or lines interacting with two pulling, rigidly interconnected, powered drive wheels around which the chains or lines are partly run; wherein holders on the chains or lines are designed for successive cooperation with corresponding recesses in respective guide wheels for synchronous movement of said chains or lines; and wherein at least some of opposite pairs of said holders provide support for a pair of bearing pins on the containers (See at least Col. 6 l. 5 - 60 & at least Fig. 1,3)

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Terrell H. Matthews whose telephone number is (571)272-5929. The examiner can normally be reached on M-F 8am - 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick Mackey can be reached on (571) 272-6916. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Patrick H. Mackey/  
Supervisory Patent Examiner, Art  
Unit 3653

THM